

REMARKS

I. **Status of the Claims**

Claims 1-9, 11-23, and 25-34 are pending in this application, and have been rejected. Claims 35-41 have been withdrawn from consideration. Claims 10 and 24 are cancelled herein.

II. **Rejections Under 35 U.S.C. § 112, ¶ 2**

The Examiner has rejected claims 22-23 and, apparently, claims 26-27 under 35 U.S.C. § 112, second paragraph, “as being indefinite.” Applicants respectfully traverse these rejections.

Claims 22-23 and 26-27 have been amended to restate claim dependencies. Applicants respectfully submit that claims 22-23 and 26-27 comply with the requirements of 35 U.S.C. § 112, second paragraph.

Accordingly, Applicants request that the rejection of claims 22-23 and 26-27 under § 112, second paragraph, be withdrawn and that the pending claims be allowed.

III. **Rejections Under 35 U.S.C. § 102(a)**

The Examiner has rejected claims 1-2, 5, 7-14, and 34 under 35 U.S.C. § 102(a) “as being anticipated by Khosla (US Patent No. 6,080,063).” Applicants respectfully traverse these rejections.

A. **Claim 1**

Claim 1 is directed to an interactive gaming system that includes a data network in communication with a user computer, a gaming server in communication with the data

network, and a wagering device in communication with the gaming server. The wagering device is located remotely from the user computer, and the user computer remotely controls the wagering device. The system further includes a bandwidth and transmission detection device, wherein transmissions between the user computer and the wagering device are optimized using encryption and compression techniques.

A rejection under 35 U.S.C. § 102(a) is only appropriate where each and every limitation set forth in the claim is present in the reference relied upon, and is arranged as in the claim. MPEP § 2131. Applicants respectfully submit that the Examiner has not clearly communicated the basis for the § 102 rejections. In particular, the Examiner has not pointed out specifically where Khosla discloses or suggests a user computer that remotely controls at least one wagering device. *See* MPEP § 2106 (“The office action should clearly communicate the [Examiner’s] findings, conclusions and reasons which support them.”).

Khosla discloses that a “player 160 interacts with live event *simulation* 150” that resides either on a remote computer system 160 or a central computer system 400. *See* Khosla at column 3, lines 33-51 (emphasis added by Applicants) and Figs. 1 and 4. Assuming, for the sake of argument only, that the “wagering device” recited in claim 1 could be properly equated with the “live event 100” of Khosla (which Applicants do not concede is proper), neither the player 160, the remote computer system, nor the central computer system of Khosla controls the live event 100. *See* Khosla at column 5, lines 48-59. The player 160 of Khosla is only able to interact with a simulation.

Khosla explicitly states that the system disclosed therein is not able to allow a player to effect (let alone *control*) the live event (as opposed to a simulation of the live event). *See* Khosla at column 6, lines 25-27 (“real participants from live event 100 cannot ‘react’ to actions of the simulated participants without deviating from the live event”); *see also* Khosla at column 8, lines 43-49 (“Simulated vehicles may draft on the slipstreams which follow real vehicles. Simulated vehicles may draft on the slipstreams of other simulated vehicles. However, real vehicles are not influenced in any way by the slipstreams of simulated vehicles, otherwise the position of a real vehicle in live event simulation 150 might deviate significantly from its actual position in live event 100.”). Moreover, the remote computer system 160 and central computer system 400 of Khosla are only able to *receive* information from the live event 100. There is no disclosure or suggestion in Khosla that the live event 100 can be controlled by the remote computer system 160 or central computer system 400.

In addition, Applicants respectfully submit that Khosla fails to disclose or suggest a bandwidth and transmission detection device, wherein the transmissions between a user computer and a wagering device are optimized using encryption and compression techniques.

Accordingly, Applicants respectfully submit that Khosla does not anticipate claim 1. As claim 1 is not anticipated by Khosla, withdrawal of the rejection under 35 U.S.C. § 102(a) is respectfully requested.

B Claims 2, 5, and 7-10

Claims 2, 5, and 7-9 depend directly from claim 1 and contain all of the features of claim 1. For at least the reasons stated above, Applicants respectfully submit that these dependent claims are not anticipated by Khosla. Claim 10 is cancelled herein.

Accordingly, Applicants respectfully request both withdrawal of the rejection of claims 2, 5, and 7-10 under § 102, and allowance of the pending claims.

C. Claim 11

Claim 11 is directed to an interactive gaming system that includes, among other things, means for detecting a bandwidth and transmission, wherein transmissions between a remotely located computer and a wagering device are optimized using encryption and compression techniques. Applicants respectfully submit that Khosla does not disclose or suggest an interactive gaming system that includes such features.

Accordingly, Applicants respectfully submit that Khosla does not anticipate claim 11. As claim 11 is not anticipated by Khosla, Applicants respectfully request withdrawal of the rejection under § 102, and allowance of the pending claims.

D. Claim 12

Claim 12 is directed to a method for permitting a remotely located player to control a wagering device. This method includes using a remotely located computer to communicate with the wagering device, entering commands into the computer to operate and control the wagering device, and detecting the player's connection bandwidth and transmission speed.

Applicants respectfully submit that Khosla does not disclose or suggest either a method for permitting a remotely located player to control a wagering device, or detecting the player's connection bandwidth and transmission speed.

Accordingly, Applicants respectfully submit that Khosla does not anticipate claim 12. As claim 12 is not anticipated by Khosla, Applicants respectfully request both withdrawal of the rejection under § 102, and allowance of the pending claims.

E. Claims 13-14

Claims 13 and 14 depend directly from claim 12, and contain all of the limitations recited in claim 12. For at least the reasons stated above, Applicants respectfully submit that these dependent claims are not anticipated by Khosla. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 13-14.

F. Claim 34

Claim 34 is directed to a method for permitting a remotely located player to control a wagering device. This method includes using a remotely located computer to communicate with the wagering device, entering commands into the computer to operate the wagering device, and detecting the player's connection bandwidth and transmission speed.

Applicants respectfully submit that Khosla does not disclose or suggest either a method for permitting a remotely located player to control a wagering device, or detecting the player's connection bandwidth and transmission speed.

Accordingly, Applicants respectfully submit that Khosla does not anticipate claim 34. As claim 34 is not anticipated by Khosla, withdrawal of the rejection under § 102 is respectfully requested.

IV. Rejections Under 35 U.S.C. § 103(a)

A. Claims 6 and 15

Claims 6 and 15 have been rejected “under 35 U.S.C. § 103(a) as being unpatentable over Khosla in view of Walker (US Patent No. 6,361,437).” Applicants respectfully traverse these rejections.

Claim 6 depends directly from claim 1, and thus contains all of the features recited in claim 1. As stated above, Applicants respectfully submit that Khosla does not disclose or suggest all the limitations of claim 1. In particular, claim 1 requires a bandwidth and transmission detection device, wherein transmissions between the user computer and the wagering device are optimized using encryption and compression techniques. The examiner has described Khosla in part as follows:

In reference to Fig. 1, preprocessor performs a number of operations of the data gathered through sensors (110) including extraction of position information from a video signal through image recognition software and compression of data collected through sensors in preparation for transport across network to remote computer systems (140, 142, 144). In a specific embodiment, preprocessor provides sophisticated compression and filtering functions, 4:44-45.

See Office action at page 4. Khosla at column 4, lines 33-53 discusses alternative embodiments of a preprocessor. One stated embodiment of the preprocessor “provides sophisticated compression and filtering functions requiring special purpose hardware for digital signal

processing....” However, Khosla does not disclose or suggest either (1) a bandwidth and detection device, (2) optimizing transmissions between a user computer and wagering device, or (3) the use of encryption and compression techniques to optimize transmissions. Applicants also respectfully note that Walker fails to disclose or suggest these three features of claim 1 – and the Examiner has not even argued that Walker contains such disclosures. Because neither Khosla nor Walker discloses or suggests certain features of claim 6, Applicants respectfully submit that even if these two references were combined as the Examiner has suggested (which Applicants do not concede is proper), the cited references fail to disclose or suggest the interactive gaming system recited in claim 6.

Claim 15 depends directly from claim 12, and thus contains all of the features recited in claim 12. Claim 12 requires, among other things, detecting a player’s bandwidth and transmission speed. As stated above, neither Khosla nor Walker discloses or suggests this feature of claim 12. Thus, Applicants respectfully submit that claim 15 is not obvious in view of the Examiner’s combination of Khosla and Walker.

Accordingly, Applicants respectfully request that the rejections of claims 6 and 15 under § 103 be withdrawn, and that the pending claims be allowed.

B. Claims 3, 16-20 and 32-33

Claims 3, 16-20, and 32-33 have been rejected under 35 U.S.C. § 103(a) “as being unpatentable over Khosla in view of Lvov (US Patent No. 6,117,011).” Applicants respectfully traverse these rejections.

Claim 3 depends directly from claim 1, and thus contains all of the features recited in claim 1. As stated above, Khosla fails to disclose a number of features of claim 1. Lvov does not overcome these deficiencies in disclosure.

Claims 16-20 and 32-33 depend directly from claim 12, and thus contain all of the features recited in claim 12. As stated above, Khosla does not disclose or suggest detecting a player's bandwidth and transmission speed. Lvov does not do so either.

Accordingly, Applicants request that the rejections of claims 3, 16-20, and 32-33 be withdrawn, and that the pending claims be allowed.

C. Claims 21-23

Claims 21-23 have been rejected under 35 U.S.C. § 103(a) "as being unpatentable over Khosla in view of Graves (US Patent No. 5,380,067)." Applicants respectfully traverse these rejections.

Claims 21-23 depend directly or indirectly from claim 12, and thus contain all of the features of claim 12. As stated above, Khosla does not disclose or suggest detecting a player's bandwidth and transmission speed. Graves does not overcome the deficiencies in Khosla in this regard. Accordingly, Applicants respectfully submit that the Khosla and Graves references cannot be combined to achieve the features recited in claims 21-23. Applicants thus request that the rejection of claims 21-23 be withdrawn, and that the pending claims be allowed.

D. Claims 4 and 24-27

Claims 4 and 24-27 have been rejected under 35 U.S.C. § 103(a) “as being unpatentable over Khosla in view of Ogus (US Patent No. 6,587,875).” Applicants respectfully traverse these rejections.

Claim 4 depends directly from claim 1, and thus contains all of the features recited in claim 1. As stated above, Khosla fails to disclose a number of features of claim 1. Although Ogus discloses methods for optimizing the use of available bandwidth across a computer network, this reference fails to disclose or suggest an interactive gaming system that includes a bandwidth and transmission detection device, wherein transmissions between a user computer and a wagering device are optimized *using encryption and compression techniques*. Rather, Ogus optimizes the use of available bandwidth by saturating a link between two computers, calculating the bandwidth of the link, and reducing the rate at which messages are sent – neither encryption nor compression is involved. *See e.g.* Ogus at claim 1. Because neither Khosla nor Ogus discloses or suggests certain features of claim 4, Applicants respectfully submit that even if these two references were combined as the Examiner has suggested (which Applicants do not concede is proper), the cited references fail to disclose or suggest the interactive gaming system recited in claim 4.

Claim 24 is cancelled herein.

Claims 25-27 depend directly from claim 12, and thus contain all of the features of claim 12. As stated above, Khosla does not disclose or suggest detecting a player’s bandwidth and transmission speed. Ogus does not disclose or suggest optimizing transmissions using

encryption and compression techniques. Thus, even a combination of Khosla with Oguus would not achieve all of the features of claims 25-27.

Accordingly, Applicants request that the rejections of claims 4 and 25-27 be withdrawn, and that the pending claims be allowed.

E. Claim 28-31

Claims 28-31 have been rejected under 35 U.S.C. § 103(a) “as being unpatentable over Khosla in view of Vuong (US Patent No. 5,762,552).” Applicants respectfully traverse these rejections.

Claims 28-31 depend directly or indirectly from claim 12, and thus contain all of the features of claim 12. As stated above, Khosla does not disclose or suggest detecting a player’s bandwidth and transmission speed. Vuong does not overcome the deficiencies in Khosla in this regard. Accordingly, Applicants respectfully submit that the Khosla and Vuong references cannot be combined to achieve the features recited in claims 28-31. Applicants thus request that the rejection of claims 28-31 be withdrawn, and that the pending claims be allowed.

V. Conclusion and Request for Reconsideration

Applicants request reconsideration of the present application in view of the aforementioned amendments and remarks. Although other features of the claims in the present application are also significant, Applicants respectfully submit that the claims are allowable for at least the aforementioned reasons. Accordingly, Applicants respectfully request that the rejections under §§ 102, 103, and 112 be withdrawn, and that the pending claims be allowed.

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In the event that a telephone conference would advance examination of this application, the Examiner is invited to contact the undersigned at the number provided.

VI. Authorization

Applicants submit herewith a check in the amount of \$950.00 and Petition for Extension of Time requesting a three-month extension of time. Applicants respectfully submit that no further extension of time or additional fee is due. In the event that the Commissioner determines that an additional fee is due for this paper, or that a petition for an extension of time is required, the undersigned hereby so petitions and authorizes the Commissioner to charge any fees required therefor to Milbank's deposit account no. 13-3250, order no. 30554-05700. A DUPLICATE COPY OF THIS PAGE IS ENCLOSED HEREWITH.

Respectfully submitted,
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